

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
January 14, 2004

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Mayor David Dermer
Vice-Mayor Jose Smith
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

CONSENT AGENDA

- PA1 Cert. of Apprec./Parks & Recreation Department, National Accreditation from CAPRA.
- PA2 Cert. of Apprec./William Farkas, Retiring from the South Florida Art Center. (Gross)
- PA3 Cert. of Apprec./Several Businesses Recognized by the Beautification Committee.
- PA4 Cert. of Apprec./"At Your Service" Employee of the Month Award for December 2003.
- PA5 Cert. of Apprec./Police Officers Accreditation Team Personnel. (Garcia)
- PA6 Cert. of Apprec./Donna Leighton, Dedication to the City and Parks & Recreation Dept. (Bower)
- PA7 Presentation for the Miami Beach Police Department. (Dermer)
- PA8 Cert. of Apprec./Elaine Watson, Retiring after 29 Years of Working w/ Immigration Services.
- PA9 Proclamation/SMG, Winner of the Prime Site Award. (Dermer)
- PA10 Cert. of Apprec./4 Officers, Assisting during the Holiday Toy Giveaway. (Garcia)
- PA11 Cert. of Apprec./Anthony Jones, Recovering a Stolen Laptop. (Garcia)

- C2A Issue P.O., Purchase Several Police Pursuit Vehicles, \$294,270.
- C2B Issue P.O., Purchase (1) Ford Diesel Cab & Chassis Aerial Device, \$54,687.
- C2C BA 47-02/03, Electric Motor Rewind & Repair Services, \$300,000.

- C4A Ref: Neighborhood/Community Affairs Committee - Enhancements to the Pine Tree Bark Park.
- C4B Ref: Finance & Citywide Projects Committee - Recommended Structure of GMCVB by ERA.

- C6A Report: Finance & Citywide Projects Committee Meeting of December 5, 2003.
- C6B Report: Land Use & Development Committee Meeting of December 8, 2003.
- C6C Report: Community Affairs Committee Meeting of December 9, 2003.
- C6D Report: Community Affairs Committee Meeting of December 16, 2003.
- C6E Report: Joint Land Use & Development/Charter Review Board Meeting of December 22, 2003.
- C6F Report: Finance & Citywide Projects Committee Meeting of December 22, 2003.
- C6G Report: General Obligation Bond Oversight Committee Meeting of January 5, 2004.

- C7A Authorize Dade County Canvassing Board to Serve at the March 9, 2004 Special Election.
- C7B Approve Transfer of Charter Communications Cable to Atlantic Broadband.
- C7C Urge Florida Legislature to Support Municipal Issues - 2004 Legislative Session.
- C7D Declare Parking Emergency, Allow PAL to use Public Swale Area at Dade Blvd & Prairie Ave.
- C7E Declare Parking Emergency, Allow MBSH-PTA to use Public Swale Area at Dade Blvd.
- C7F Issue RFP, Parking Cashiers, Attendants & Supervisors for CMB Parking Department.
- C7G Issue RFP, Valet Parking Services for MBCC, TOPA and Other City Property.
- C7H Execute Agreement, Creation of a Public Art Commission at North Shore Bandshell Park.
- C7I Issue RFP, Provide New Citywide Enterprise Financial/Administrative System for CMB.
- C7J Accept Recommendation, Provide Investment Advisory Services to CMB.

REGULAR AGENDA

- R5A **10:45 a.m. 2nd Rdg**, CCC, Civic & Convention Center District Amendment. **5/7**
- R5B **5:01 p.m. 2nd Rdg**, Allow Commercial/Retail Uses in Apartment Buildings in RM-2 District. **5/7**
- R5C **5:05 p.m. 1st Rdg**, Proposed Designation of the North Beach Resort Historic District. **5/7**
- R5D **1st Rdg**, Permit the Sale of Alcoholic Beverages in Totally Nude Adult Establishments.
- R5E **1st Rdg**, Establish Term Limits of Board & Committee Members.
- R5F **1st Rdg**, Amend City's Art in Public Places Legislation.
- R5G **2:30 p.m. 1st Rdg**, Establish Exemptions from Definition of "Lobbyists."

- R7A **Joint**, Execute Agmt w/RDA, Dade County & Children's Trust, Use of Tax Increment Revenues.
- R7B **W-11:00 a.m.** Approve Vacation of Portion of West 29th Street Street-End.
- R7C **5:35 p.m.** Approval of MBCC for Events Involving Adult Materials. **5/7**
- R7D **5:45 p.m.** Approve Creation of Restricted Residential Parking Permit Zone 11/Lake Pancoast.
- R7E Approve Work Order, Purchase/Install 250 Multi-Space Parking Pay Stations.
- R7F **4:00 p.m.** Approve 2nd of Three 1-Yr Renewal Terms of Towing Permits w/Tremont & Beach.
- R7G Execute Settlement Agreement w/ La Gorce Country Club, Inc.
- R7H **2:15 p.m.** Call for a Special Election, Amend Charter re: Lease/Disposal of City-Owned Property.
- R7I **10:00 a.m.** Execute GMP Contract w/ Ric-Man Intl., Washington Ave. Improvements.
- R7J **4:15 p.m.** Award Contract/Amend Agmt, Wat. & Waste Wat. Pump Stations Upgrades Proj.
- R7K City Manager's Annual Evaluation.

- R9A **3:00 p.m.** Board and Committee Appointments.
- R9A1 **3:00 p.m.** Nominate Michael Gongora to the Board of Adjustments. (Steinberg)
- R9A2 **3:00 p.m.** Miami Beach Cultural Arts Council Vacancies.
- R9A3 **3:00 p.m.** Recommendation of Appointments to the Personnel Board.
- R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9C **10:30 a.m.** Disc. Use of Channel 20 to Broadcast Public Service Announcements. (Garcia)
- R9D Disc. Convention Development Tax.
- R9E Disc. Vehicle Donation for the Sister City Program of Ica Peru. (Cruz)
- R9F Disc. Giving Parking Permits to Consulates Stationed in Miami-Dade County. (Cruz)
- R9G **2:15 p.m.** Disc. Resolution Extending Terms of Charter Review Board for (6) Months. (Dermer)
- R9H Disc. Waiver of Conflict of Interest, Boies, Schiller & Flexner LLP.
- R9I Disc. Safety & Security Issue in City Hall. (Garcia)

- R10A **Noon Break**, Executive Session - La Gorce Country Club, Inc. vs. CMB.
- R10B **Noon Break**, Executive Session - West Side Partners & East Coastline Dev. vs. CMB.
- R10C **Noon Break**, Executive Session - Felix Equities, Inc. & Atlantic Civil, Inc. vs. CMB.435
- R10D **Noon Break**, Executive Session - Claude & Martine Tunc vs. CMB.437
- R10E **Noon Break**, Executive Session - Discussions re: Collective Bargaining.439

REPORTS AND INFORMATIONAL ITEMS

- A City Attorney's Status Report.
- B Parking Status Report.
- C Status Report on Fire Station No. 2.
- D Status Report on Fire Station No. 4.
- E Status Report on the Scott Rakow Youth Center.
- F1 PACT Board Meeting Minutes for Meeting of November 11, 2003. (Bower)
- F2 Information from PACT re: Inspector General's Report. (Bower)
- F3 PACT Board Meeting Minutes for Meeting of December 9, 2003. (Bower)

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 2A Report of Itemized Revenues/Expenditures of RDA for Month of November 2003.
- 3A **Joint**, Execute Agmt w/RDA, Dade County & Children's Trust, Use of Tax Increment Revenues.
- 3B Ratify Execution of GMP Contract w/Ric-Man Intl., Washington Ave. Improvements.
- 3C **4:15 p.m.** Ratify Award of Contract, Water & Waste Water Pump Stations Upgrades Project.
- 3D Execute 1st Amendment to Agmt of Lease w/ RDP re: Town Park Hotel Corporation.

Meeting called to order at 9:18:33 a.m.

Inspirational message given by Rabbi Katz.

Pledge of Allegiance led by Chief De Lucca.

Times based on the digital recording in the City Clerk's Office.

9:22:29 a.m.

New Item:

Mayor Dermer recognized Rabbi Katz and Roger Abramson for the Lincoln Road menorah.

11 01:10 a.m.

Addendum items: R9H, R9I, RDA 3D.

ACTION: Motion made by Commissioner Steinberg to add Addendum items as emergency items to the agenda; seconded by Commissioner Garcia; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Cruz.

Supplemental Materials:

C7D – Resolution

C7H – Resolution

R5C – Additional Materials

R7C – Resolution & Revised Attachment

R7I – Additional Information

R7J – Resolutions, RDA-3C – Resolution

PA - Presentations and Awards**9:34:01 a.m.**

- PA1 Certificate Of Appreciation To Be Presented To The Parks And Recreation Department, For Receiving The National Accreditation From The Commission On Accreditation Of Park And Recreation Agencies (CAPRA).

(City Manager's Office)
(Deferred from December 10, 2003)

ACTION: Certificate presented.

Mayor Dermer recognized Kevin Smith, Parks and Recreation Director, and his staff, for receiving national accreditation from the Commission on Accreditations of Park and Recreation Agencies.

Jorge Gonzalez, City Manager, stated that 47 out of over 200 agencies have received this very prestigious award, being the Parks and Recreation Department one of the few to have been accredited on first attempt. He also recognized Julio Magrisso, Odalys Mon, John Oldenburg and Vincent Andreano.

Robert Middaugh, Assistant City Manager, introduced the Parks and Recreation Department staff and gave an overview of accomplishments met in the last year. The Parks and Recreation Department accepted a challenge to take this accreditation and make it valuable for the community.

- PA2 Certificate Of Appreciation To Be Presented To William Farkas, For Retiring From The South Florida Art Center.

(Requested by Commissioner Saul Gross)
(Deferred from December 10, 2003)

ACTION: Item not reached.

9:28:29 a.m.

- PA3 Certificates Of Appreciation To Be Presented To Café Prima Pasta, The Aquasol Condominium, The Blue And Green Diamond Condominium, Temple Beth Shalom, The South Beach Hotel, And The Shops At West Avenue, In Recognition By The City Of Miami Beach Beautification Committee For Their Efforts In Contributing Significantly To The Beautification Of The City And Its Citizens.

(Beautification Committee)

ACTION: Certificates presented.

Elizabeth Resnick, Chairman of the Beautification Committee, introduced the members of the Committee and explained that this is an annual activity which demonstrates local efforts by property owners to beautify the City. The recipients of the 2003 Beautification Awards are: Aguasol Condominiums, Temple Beth Shalom, Shops at West Avenue, South Beach Hotel, Café Prima Pasta and Blue and Green Diamond Condominiums.

10:02:37 a.m.

- PA4 Certificate Of Appreciation To Be Presented To Employee Of The Month, "At Your Service Award" Winner For December 2003.
(City Manager's Office)

ACTION: Certificate presented to Alex Diaz, Grants Writer/Research from Grants Management Office.

9:41:04 a.m.

- PA5 Certificates Of Appreciation To Be Presented To Major James Mazer, Commander Hernan Cardeno, Sgt. Richard Lonergan, And Sgt. Bernie Ruder, Police Officers Accreditation Team Personnel.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Certificates presented.

9:47:09 a.m.

- PA6 Certificate Of Appreciation To Be Presented To Donna Leighton For Her Dedication To The City Of Miami Beach And The Parks & Recreation Department.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Certificate presented.

9:23:03 a.m.

- PA7 Special Presentation For The Miami Beach Police Department.
(Requested by Mayor David Dermer)

ACTION: Special presentation given.

Mayor Dermer proclaimed this day "Assistant Chief Tony Marten Day" for 30 years of service with the Miami Beach Police Department.

Chief De Lucca stated that Assistant Chief Marten has been with the department for over 30 years, and not only is he a dedicated employee and one of the sharpest people in the organization responsible for the accreditation of the department, but he is a personal friend respected by staff.

Commissioner Garcia stated that Assistant Chief Marten will be sorely missed and thanked him for the services he has given to the City of Miami Beach.

Assistant Chief Marten thanked everyone for the recognition and kind words and stated that he is proud and honored to have been an employee of the City and a member of the Miami Beach Police Department for over 30 years. He also thanked Mayor Dermer and Commissioners for their support.

- PA8 Certificate Of Appreciation To Be Presented To Elaine Watson For Retiring After 29 Years Of Working With Immigration Services.
(Tourism & Cultural Development)

ACTION: Item not reached.

9:51:20 a.m.

PA9 Proclamation To Be Presented To SMG, Winner Of The Prime Site Award.
(Requested by Mayor David Dermer)

ACTION: Proclamation presented.

Doug Tober, General Manager with SMG for the Miami Beach Convention Center and The Jackie Gleason Theater, stated that for the sixth consecutive year, *Facilities and Destination Magazine*, one of the premier trade magazines in the business, have recognized the Miami Beach Convention Center as a "Prime Site." These awards are nominated and suggested by the meeting planners and show managers that use the facilities. He noted that in this year's awards, out of all the awardees, over one-third of them were SMG management facilities, and added that it is a pleasure to bring this recognition to the City.

Handouts or Reference Materials:

1. E-mail from Sarah Chipron to "City Wide" dated January 15, 2004, entitled "City of Miami Beach Recognizes the Miami Beach Convention Center. RE: SMG-Managed Facility Garners Prime Site Award for sixth straight years.

9:53:51 a.m.**NEW ITEM**

Mayor Dermer presented Tim Hemstreet, CIP Director, with a "hockey stick" signed by the City Commissioners. He added that Tim is an outstanding employee. He deals with complicated projects and difficult situations beyond his control, and he makes the best of each situation. Mayor Dermer expressed his appreciation for his hard work.

Jorge Gonzalez, City Manager, agreed with Mayor Dermer and explained that Tim's valuable work includes the management of a myriad of priority projects; some of which have opened recently, such as the Ice Rink and the Golf Course. He congratulated Tim and his capable staff for their accomplishments.

Commissioner Gross stated that Tim has the right personality to manage such complicated projects and he does great work and respects him for that.

Tim Hemstreet, CIP Director, thanked the Mayor and Commissioners for their support and thanked his staff as well as Phil Azan, Building Director, Sonia Machen, Fire Marshall and all the individuals that worked together as a team to make the projects happen.

9:46:16 a.m.

PA10 Certificates Of Appreciation To Be Presented To Officers Maria Zamudio, Orlando Sosa, Vincent Canete, And Rolando Noriega, For Assisting During The Holiday Toy Giveaway At The Hispanic Community Center.

(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Deferred.

9:58:41 a.m.

PA11 Certificate Of Appreciation To Be Presented To Security Guard Anthony Jones, For Recovering Commissioner Garcia's Stolen Laptop.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Certificate presented.

Commissioner Garcia stated that someone tried to steal his laptop computer from his office in City Hall and that Tony Jones stopped the individual and recovered the computer. He stated that Mr. Jones is always very courteous and thanked him.

Commissioner Bower stated that Mr. Jones always checks on her when she works late and escorts her to her car. She really appreciates this. She also stated that the night security guard should have a cell phone.

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Garcia; 5-0; Absent: Mayor Dermer and Commissioner Cruz.

C2 - Competitive Bid Reports

C2A Request For Approval To Issue A Purchase Order To Duval Ford, In The Amount Of \$294,270, For The Purchase Of Fourteen (14) 2004 Ford Crown Victoria Police Pursuit Vehicles And One (1) 2004 Ford Explorer 4x2 Police Vehicle, Pursuant To Florida State Contract No. 03-11-0825.

(Fleet Management)

ACTION: Award approved. Gus Lopez to issue Purchase Order. Drew Terpak and Chief De Lucca to handle.

C2B Request For Approval To Issue A Purchase Order To Altec Industries, Inc., In The Amount Of \$54,687, For The Purchase Of One (1) 2004 Ford F-350 Diesel Cab & Chassis Mounted With An Altec AT200 Non-Insulated Aerial Device, Pursuant To General Services Administration Contract No. GS-30F-1028G.

(Fleet Management)

ACTION: Award approved. Gus Lopez to issue Purchase Order. Drew Terpak and Fred Beckmann to handle.

- C2C Request For Approval To Award A Contract To Condo Electric Motor Repair, Inc., TAW Miami Service Center And Electrix USA, Inc., Pursuant To Invitation To Bid No. 47-02/03 For The Electric Motor Rewind And Repair Services In The Estimated Annual Amount Of \$300,000.
(Public Works)

ACTION: Item withdrawn by the Administration.

Handout or Reference Materials:

1. Fax letter from Jose G. Espinola, Vice-President Condo Electric Motor Repair, Inc, to Jorge Gonzalez, City Manager, dated January 12, 2004, RE: Bid Protest

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhood/Community Affairs Committee - Discussion Concerning Potential Enhancements To The Pine Tree Bark Park.
(Parks & Recreation)

ACTION: Item referred. Vivian Guzman to place on the agenda. Kevin Smith to handle.

- C4B Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Review, Assessment, And Recommended Structure Of The Greater Miami Convention And Visitors Bureau Conducted By Economic Research Associates (ERA).
(City Manager's Office)

ACTION: Item referred. Patricia Walker to place on the agenda. Christina Cuervo to handle.

C6 - Commission Committee Reports

- C6A Report Of The Special Finance And Citywide Projects Committee Meeting Of December 5, 2003: **1)** Discussion On Fire Station No. 2; **2)** A Resolution Authorizing The City Manager To Decline In Writing The Right Of First Offer Transaction As Required Pursuant To The Terms Of Section 36.2 Of The Agreement Of Lease ("Lease") Between City Of Miami Beach, Florida ("Owner") And Pelican Development, LLC ("Tenant") Dated As Of December 1, 1999; Further Authorizing The City Manager And City Attorney To Approve/Disapprove The Transfer Of Tenant's Leasehold Interest In The Project As Required Under The Terms Of Section 10.5 Of The Agreement Of Lease Upon Completion Of The City's Review Of Information, As Provided In The Lease, Relative To The Proposed Transfer Of The Project; And **3)** Update Of Mt. Sinai Financial Status - Issuance Of Bonds To Refinance Existing Issues.

ACTION: Written report submitted.

Item 1: The Committee recommended the City of Miami Beach Commission:

- 1) accept the guaranteed maximum price (GMP) proposed by Jasco Construction (Jasco). See Commission Meeting December 10, 2003, item R7J.
- 2) authorize the Administration to negotiate and award the fire station No. 2 contract to Jasco
- 3) appropriate the necessary funding for completion of the project.

Item 2: No action necessary. Status update was given.

Item 3: No action necessary. Status update was given along with a PowerPoint Presentation.

C6B Report Of The Land Use And Development Committee Meeting Of December 8, 2003: **1)** Discussion On How To Propose A Legislation To Create And Adopt A Dune Project In Conjunction With The Miami Beach Parks And Recreation Department, ECOMB, Teen Job Corp And The Miami- Dade Extension; **2)** Discussion Regarding A Resolution To Consider An Amendment To The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Of The City Code; Division 13, "MXE Mixed Use Entertainment District," Section 142-542, "Conditional Uses," To Include Public And Private Cultural Institutions Open To The Public As A Conditional Use In This Zoning District; **3)** Discussion On North Shore Traffic Study; **4)** Discussion Regarding Approval Of The Location Of The Miami Beach Convention Center For Conventions, Expositions Or Events Involving Adult Materials; And **5)** Discussion Regarding Ordinance Amendment To Allow Commercial And Retail Accessory Uses In Apartment Buildings In The RM-2, Residential Multifamily Medium Intensity Zoning District.

ACTION: Written report submitted.

Item 1: Motion: To direct the Administration to adopt the "Save a Dune Program" and report back to the full Commission within 60 days (February 8th)(Vote 3-0). **Fred Beckmann to handle. Lilia Cardillo to place on February, 4, 2004 Commission Agenda.**

Item 2: Motion: Approve the modification to add banquet facilities to the list of Conditional Uses in the MXE District. Administration to take issue back to the Planning Board for proper public notice and to contact MDPL and advise them of issue. (Vote 3-0). **Jorge Gomez to handle.**

Item 3: Motion: Refer the item for discussion to the full Commission. (Vote 3-0). **Fred Beckmann to handle.**

Item 4: Motion: To discuss with the full Commission. See Agenda item R7C.

Item 5: Motion: Refer the item for discussion to the full commission. (Vote 3-0).

C6C Report Of The Community Affairs Committee Meeting Of December 9, 2003: **1)** Discussion On Alcohol And Nudity Ordinance.

ACTION: Written report submitted.

Item 1: A motion was made to recommend to the City Commission the Ordinance reviewed by the Planning Board, additionally to prohibit patrons under 21 years of age unless a full kitchen is provided and operated. See Agenda item R5D.

Handout or Reference Materials

1. Replacement report.

C6D Report Of The Community Affairs Committee Meeting Of December 16, 2003: **1)** Discussion Regarding Art In Public Places Funds; **2)** Discussion Regarding Proposed Amendments To The Existing Debarment And Lobbying Ordinances; **3)** Discussion Regarding Changes To The Miami-Dade County's Lobbying Ordinance; **4)** Discussion Regarding On-Board Media Discussion Regarding Establishing A Pilot Program With Onboard Media For A Maximum Of Twelve (12) Months To Produce And Air A Thirty (30) Minute Segment Of "Welcome To Miami Beach" In Promotion Of The City Of Miami Beach As A Tourist Destination And Quality Residential Community, On "BeachTV" (Charter Communications Geographic Territory), At No Cost To The City; Providing A Link On The City's Website, A Letter Of Support For The Programming Efforts And The City's Cooperation And Conceptual Support Of The Program And Its Production; **5)** Discussion Regarding Status Report On Wayfinding Signage Project; **6)** Discussion Regarding Amending Miami Beach City Code Section 2-22 Regarding Term Limits Of Board And Committee Members; And **7)** Discussion Regarding Beatles Mandala Proposal For A Work Of Public Art To Be Commissioned, As Recommended By The Art In Public Places Committee.

ACTION: Written report submitted.

Item 1: A motion was made by Commissioner Gross to recommend approval of the AIPP Master Plan to the City Commission for approval. The City Administration is to provide an update on the fund balance. See Agenda Item R5F.

Item 2: Deferred.

Item 3: A report was submitted to the City Attorney's Office and Robert Meyers from the Miami-Dade County Commission on Ethics, (Attachment A). Commissioner Gross requested the City Attorney's Office to meet with each commissioner individually for purposes of discussing the proposed amendments to the City's Ordinance. Once the meetings are concluded the City Attorney's Office is to place on the Commission Agenda. See Agenda item R5G.

Item 4: The Administration is to review how the City should proceed with this program. The options were issuing an RFP, continuing with the Onboard Media proposal, or not proceeding with the project. See Agenda item R5E.

Item 5: The Planning Department is to bring the project to the City Commission for discussion upon gathering recommendations from the Historic Preservation Board, Design Review Board, Homeowners Associations, and Cultural Organizations. **Jorge Gomez to handle.**

Item 6: The Committee recommends the ordinance amending City Code Section 2.22 to provide that an individual appointed to fill a vacancy on a board or committee may serve on that board or committee for the subject term limits, with the period of time served having filled the vacancy not computed towards the term limit. See Agenda item R5E.

Item 7: Motion passed for recommendation to the City Commission for the Beatles Mandala proposal for the work of public art to be commissioned. See Agenda item C7H.

- C6E Report Of The Joint Land Use And Development Committee And The Charter Review Board Meeting Of December 22, 2003: **1)** Discussion On Zoning Reform Section 1.03 (b) Powers Of City.

ACTION: Written report submitted.

Item 1: Motion number 1 was made by Member Diaz; seconded by Member Herrup, to recommend to the City Commission that City Charter Section 1.03 (b) be amended to extend the restriction on alienability of certain City-owned properties.

1. Lots west of the North Shore Open Space Park
2. 72nd Street Parking Lot
3. Convention Center Parking Lots
4. Lincoln Road Parking Lots
5. Cultural Campus Parcels

Vote: 5-0. Absent: Members Gelber and Laeser.

Commissioner Steinberg suggested the last paragraph of Section 1.03 (b) to read: January 14, 2004. *Further, this provision shall not apply to any City-owned educational facility; utility or access easements; incidental encroachments not to exceed 500 feet; or alleyways.* Discussion continued. See Agenda item R7H.

Item 1: Motion number 2 was made by Member Diaz; seconded by Vice-Chair Beloff, to recommend to the City Commission that all other City-owned properties require a majority vote (4/7) of the Planning Board, and a supermajority (5/7) vote of the City Commission; Vote: 5-0. Absent: Members Gelber and Laeser.

- C6F Report Of The Finance And Citywide Projects Committee Meeting Of December 22, 2003: **1)** Discussion Regarding The Potamkin/Berkowitz Site; **2)** Discussion On The South Shore Community Center; **3)** Discussion Of The Results Of The Meeting Of The Evaluation Committee Consisting Of Miami Beach Residents And City Staff To Consider Possible Alternatives For The Replacement Of The City's Financial Hardware And Software Systems; **4)** Review And Discuss, The Proposed Concession Agreements With Market Company, Inc., For The Lincoln Road Green Market, The Espanola Way Market And The Normandy Village Market; And **5)** Discussion Regarding The Interlocal Agreement Among The City Of Miami Beach, Miami Beach Redevelopment Agency, Miami-Dade County, And The Children's Trust.

ACTION: Written report submitted.

Item 1: The Committee referred the item to the full Commission for action. **Christina Cuervo to handle.**

Item 2: No action necessary. Status report was given.

City Clerk's note: The Commission Agenda, pages 56 – 63 contain a PowerPoint presentation titled South Shore Community Center Project Status Report – Finance and Citywide Projects Committee Meeting December 22, 2003.

Item 3: The Committee referred the item to the full Commission for action instructing the Administration to issue an RFP to solicit proposals to provide a City-wide enterprise financial and administrative system for the City of Miami Beach. See Agenda item C7I.

Item 4: Item deferred.

Item 5: The Committee referred the item to the full Commission for action. See Agenda item R7A and RDA 3A.

C6G Report Of The General Obligation Bond Oversight Committee Meeting Of January 5, 2004: **1)** Change Order Report; **2)** Project Status Report: a) Fire Station #2; b) Fire Station # 4; c) Normandy Isle Park and Pool; d) Scott Rakow Youth Center; **3)** Informational Items: a) Updated Calendar of Scheduled Community Meetings.

ACTION: Written report submitted.

Item 1: The Administration informed the Committee of the new change orders had been approved. A list of those change orders is attached as "Exhibit A".

Item 2 (a): The Administration informed the Committee that progress was being made on Phase I of the **Fire Station No. 2** project (water tanks portion). Jasco, the contractor for Phase I, was also awarded the contract for Phase II, which will begin after Phase I is completed.

Item 2 (b): The Committee was told that the construction documents for the **Fire Station No. 4** project were reviewed by the City Building Department. The consultant is making revisions based on the comments received, and will resubmit the documents for permitting. Once a permit is issued, the project will be put out to bid for construction. The estimated start of construction is spring 2004.

Item 2 (c) The Administration informed the Committee that the contractor for the **Normandy Isle Park and Pool** project is resuming construction activity after working out issues with the consultant and the Building Department regarding the construction drawings. An updated schedule of completion is to be presented at the next Committee meeting.

Item 2 (d): The Committee was advised that Phase I of the **Scott Rakow Youth Center** project (ice rink) is almost complete. Only three or four items remained before a Temporary Certificate of Occupation (TCO) can be obtained, which should be within the next few weeks. A final Certificate of Occupancy (CO) could not be issued for the project until construction was completed, which would be within approximately 60 days.

A discussion was held regarding the schedule for construction of all General Obligation Bond funded projects, and the funding shortfalls that each project may have. The Committee requested that an update on these items be given at the next Committee meeting.

Item 3: The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

C7 - Resolutions

- C7A A Resolution Authorizing The Miami-Dade County Canvassing Board To Serve As Canvassing Board For The Special Election Of The City Of Miami Beach To Be Held On March 9, 2004 At The Time Of The Presidential Preference Primary.
(City Attorney's Office)

ACTION: Resolution No. 2004-25447 adopted. R. Parcher to transmit to Miami-Dade County Elections Department.

10:07:40 a.m.

- C7B A Resolution Approving The Transfer Of The Interlink Communications Partners, LLC D/B/A Charter Communications ("Charter") Cable Franchise To Atlantic Broadband (Miami), LLC ("Atlantic Broadband").
(City Clerk's Office)

ACTION: Item separate for discussion by the Administration. Resolution No. 2004-25448 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice Vote: 5-0; Absent: Mayor Dermer and Commissioner Cruz. Robert Parcher to handle.

Jorge Gonzalez, City Manager, stated that as part of the Franchise Agreement there is an obligation for the franchisee to pay the City \$75,000 in February 2006. The franchisee has offered to accelerate the payment if the \$75,000 amount is reduced to \$70,675. The Administration recommends the early payment of the \$70,675 be accepted.

Tim Hemstreet, CIP Director, stated that the franchisee, through negotiations, has also agreed cover the full cost for all legal expenses minus the \$7,500 which is provided for in the Franchisee Agreement.

- C7C A Resolution Urging Members Of The Florida Legislature To Support The Municipal Issues, As Set Forth In This Resolution, During The 2004 Legislative Session.
(Economic Development)

ACTION. Resolution No. 2004-25449 adopted. Kevin Crowder to transmit the resolution to the Governor, Senate President, Speaker of the House, and all members of the Florida Legislature.

SUPPLEMENTAL MATERIALS - Resolution

- C7D A Resolution In Connection With The Finding And Declaration Of The Existence Of An Emergency For Parking, Approving And Allowing The Police Athletic League (PAL), A Not-For-Profit Entity, To Utilize The Public Swale Area, Located At Dade Boulevard And Prairie Avenue, Adjacent To Miami Beach Senior High School, For A Fund Raising Event To Operate A Food Concession Stand, From February 12-17, 2004, During The Miami International Boat Show; Further Providing That The Dade Boulevard Swale Be Utilized By PAL Subject To The Following Conditions: (1) That 100% Of The Profits Generated From This Fundraiser Be Returned To PAL For Its Exclusive Use; (2) That The Subject Permission Is Granted Without Establishing Precedent So As To Satisfy This Unique Emergency Situation; And (3) That PAL Provide A Certificate Of Insurance Or Other Proof Of Insurance To The City.

(City Manager's Office)

ACTION: Resolution No. 2004-25450 adopted. Christina Cuervo to handle.

- C7E A Resolution Finding And Declaring The Existence Of A Parking Emergency And Allowing The Miami Beach Senior High School Parent Teacher Association (~~MASH~~-MBSH-PTA), A Not-For-Profit Entity, To Utilize The Public Swale Area Located At Dade Boulevard Adjacent To The School, To Provide Additional Parking From February 12-17, 2004, For The Miami International Boat Show, Through A Fundraising Event; Further Providing That The Swale Area Be Utilized Exclusively By The MBSH-PTA Subject To The Conditions Set Forth In This Resolution Below.

(Parking Department)

ACTION: Resolution No. 2004-25451 adopted. Saul Frances to handle.

10:06:46 a.m.

- C7F A Resolution Authorizing The Issuance Of A Request For Proposals (RFP) For Parking Cashiers, Attendants, And Supervisors For The City Of Miami Beach Parking Department.

(Parking Department)

ACTION: Item separated for discussion by the Administration to read correction into the record. Resolution No. 2004-25452 adopted. RFP amended. Gus Lopez to issue the RFP. Saul Frances to handle.

Jorge Gonzalez, stated, that he is slightly modifying the weight criteria in the minimum Requirements/Qualifications Clause to better reflect what the City is looking for.

10:06:26 a.m.

- C7G A Resolution Authorizing The Issuance Of A Request For Proposals (RFP) For Valet Parking Services For The Miami Beach Convention Center, Jackie Gleason Theater Of Performing Arts, And Other City Property, As May Be Required.

(Parking Department)

ACTION: Item separated for discussion by the Administration to read correction into the record. Resolution No. 2004-25453 adopted. RFP amended. Gus Lopez to issue the RFP.

Amendment:

Delete 1a and 1b and expand 1 to include major public facilities and/or sporting arenas or venues.

SUPPLEMENTAL MATERIALS - Resolution

- C7H A Resolution Authorizing The City Manager To Execute An Agreement With Kevin Arrow (Artist), For Creation Of A Public Art Commission, Entitled, "Beatles Mandala"; Appropriating The Total Amount Of \$70,000, From The Art In Public Places Fund, Which Amount Includes \$10,000 For Site Enhancement, And \$5,000 For Contingency And Promotion; And Further Approving The Site For This Public Artwork At The North Shore Bandshell Park.)

(Tourism & Cultural Development)

ACTION: Resolution No. 2004-25454 adopted. Patricia Walker to appropriate the funds. Donna Shaw to handle.

Handout or Reference Materials:

1. Color Copy of the of the Beatles Love Mandala, 2004

- C7I A Resolution Authorizing The Issuance Of A Request For Proposals (RFP), To Provide A New Citywide Enterprise Financial And Administrative System For The City Of Miami Beach.

(Finance Department)

ACTION: Resolution No. 2004-25455 adopted. Gus Lopez to issue the RFP.

- C7J A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 65-02/03 For Providing Investment Advisory Services To The City Of Miami Beach; Authorizing The Administration To Enter Into Negotiations And Contract With The Top-Ranked Firm Of MBIA Municipal Investors Service Corp.; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of PFM Asset Management LLC.

(Finance Department)

ACTION: Resolution No. 2004-25456 adopted. Patricia Walker to handle.

REGULAR AGENDA**R5 - Ordinances****11:14:44 a.m.**

R5A An Ordinance Amending Chapter 142 "Land Development Regulations" Of The City Code, Division 7, "CCC, Civic And Convention Center District," In Order To Allow Waivers Of Development Regulations By A Five-Sevenths Vote Of The City Commission For Developments Pertaining To Government-Owned Or Leased Buildings, Uses And Sites Which Are Wholly Used By, Open And Accessible To The General Public, Or Used By Not-For-Profit, Educational, Or Cultural Organizations, Or For Convention Center Hotels, Or Convention Center Hotel Accessory Garages, Or City Utilized Parking Lots, Provided They Are Continually Used For Such Purposes; And To Amend The Public Notice Requirements For Such Waivers, Providing For Codification, Repealer, Severability And Effective Date. **10:45 p.m. Second Reading, Public Hearing**

(Planning Department)

(First Reading, Public Hearing on December 10, 2003)

ACTION: Public Hearing held. **Ordinance not adopted.** Motion made by Vice-Mayor Smith, seconded by Commissioner Garcia; Ballot vote: 4-2; Opposed: Commissioner Bower and Steinberg; Absent: Commissioner Cruz.

Minnette Benson spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

7:36:28 p.m.

R5B Amendment To Allow Commercial And Retail Accessory Uses In Apartment Buildings In The RM-2, Residential Multifamily Medium Intensity Zoning District.

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 2, "Accessory Uses," Section 142-902 "Permitted Accessory Uses," Permitting Commercial Uses In Apartment Buildings In The RM-2 District Bounded By Indian Creek Drive, Collins Avenue, 41st Street And 44th Street; Amending Chapter 130, "Off-Street Parking," Article V "Parking Impact Fee Program," Section 130-131, "Generally," By Including An Exception To The Parking Impact Fee Program; Providing For Repealer, Severability, Codification And An Effective Date. **5:01 p.m. Second Reading, Public Hearing.**

(Planning Department)

(First Reading, Public Hearing on December 10, 2003)

ACTION: Public Hearing held. **Ordinance Number 2004-3434 adopted.** Motion made by Commissioner Garcia, seconded by Vice-Mayor Smith; Ballot vote: 6-0; Absent Commissioner Cruz. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Lucia A. Dougherty, Esq. (Greenberg Traurig), spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Color copy of the Land Use Study of the Boundaries of the RM-2 District from 26th to 44th Streets

5:44:44 p.m.

SUPPLEMENTAL MATERIALS – Additional Information

R5C An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; Amending Section 118-593, "Historic Preservation Designation"; Amending Section 118-593(E), "Delineation On Zoning Map"; Amending Section 118-593(E)(2), "Historic Preservation Districts (HPD)" By Designating The North Beach Resort Historic District, Consisting Of A Certain Area Which Is Generally Bounded By The Southern Lot Lines Of 6084 Collins Avenue, 6261 Collins Avenue, And 210-63rd Street To The South, The Center Line Of 71st Street To The North, The Center Line Of Collins Avenue And The Western Lot Lines Of Certain Properties Fronting On Collins Avenue To The West (Including 6084 Collins Avenue, 6300 Collins Avenue, And 6574 To 6650 Collins Avenue), And The Erosion Control Line Of The Atlantic Ocean To The East (Excluding 6605 Collins Avenue), As More Particularly Described Herein; Providing That The City's Zoning Map Shall Be Amended To Include The North Beach Resort Historic District; Adopting The Designation Report Attached Hereto As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code, Repealer, Severability, And An Effective Date. **5:05 p.m. First Reading, Public Hearing.**
(Planning Department)

ACTION: Public Hearing held. **Ordinance approved on First Reading as amended.** Motion made by Commissioner Gross ; seconded by Commissioner Bower; Ballot vote: 6-1; Opposed Commissioner Garcia. Second Reading and 2nd Public Hearing scheduled for February 4, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Amendment:

Approve the Historic Preservations Boards recommendation and remove the properties west of Collins Avenue, north of 65 Street and south of 67 Street.

William Cary, Historic Preservation Director, presented the item.

Gary Appel from the City of Miami Historic Preservation Board spoke.

Minnette Benson spoke.

Leonard Wein Jr. spoke.

Barry Klein, President of North Beach Development Corporation, spoke.

Jerry Libbin spoke.

Michael Larkin spoke.

Carter McDowell, Bilzin, Sumbert, et al, spoke.

Frank Del Vecchio spoke.

Michael Kinerk spoke. He also distributed a booklet titled: Miami Design Preservation League Presents the 27th Annual Art Deco Weekend Mostly Moderne: Art Deco at Home"

Clotilde Luce spoke.

Terry D'Amico spoke.

Denise Katakis, the new Executive Director, of the Miami Design Preservation League (MDPL), spoke.

Randall Robinson spoke.

George Neary spoke.

Carolyn Klepser spoke.

Arthur Marcus spoke.

Carter McDowell spoke.

Christina LaBuzetta spoke.

Heidi Siegle, Executive Director, North Beach Development Corp.

Commissioner Smith recognized Ira Giller in the audience.

First Motion:

Motion made by Commissioner Cruz to adopt the Historic Preservation Board's version; seconded by Commissioner Gross; Ballot vote: 4-3; Opposed: Vice-Mayor Smith and Commissioners Garcia and Steinberg. Motion failed (5/7 vote needed).

Second Motion:

Motion made by Commissioner Gross to approve the Historic Preservations Boards recommendation, and remove the properties west of Collins Avenue, north of 65 Street and south of 67 Street.; seconded by Commissioner Bower to adopt as amended; Ballot Vote: 6-1; Opposed: Commissioner Garcia.

Handout or Reference Materials:

1. Color Booklet titled: North Beach Resort Historic District Designation Report
2. Fax from Becky Roper Matkov, Executive Director, Dade Heritage Trust, dated January 14, 2004, to Miami Beach City Commission.
3. Color Booklet titled: Executive Summary Economic Impacts of Historic Preservation in Florida

8:18:27 p.m.

R5D An Ordinance Amending Chapter 6, "Alcoholic Beverages," Of The Code Of The City Of Miami Beach, Florida, By Amending Sections 6-40 And 6-41 "Total Nudity And Sexual Conduct Prohibited," And "Provisions Pertaining To Establishments Permitting Partial Or Total Nudity," To Allow Establishments Licensed As Alcoholic Beverage Establishments To Offer Partial And Total Nude Adult Entertainment; Providing For Codification, Repealer, Nonseverability, And An Effective Date.

First Reading.

(Planning Department)

ACTION: Ordinance approved on First Reading. Amendments will be made between first and second reading. Motion made by Commissioner Cruz; seconded by Commissioner Steinberg; Ballot vote: 5-2; Opposed: Commissioners Bower and Gross. Second Reading and Public Hearing scheduled for February 4, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Dr. Morris Sunshine spoke.

Commissioner Gross is concerned with the proliferation of this type of business. This ordinance will allow other establishments to do the same.

Jorge Gomez, Planning Director, stated that the business distance separation regulations and the Florida State Statutes will prevent some proliferation.

Gary Held, First Assistant City Attorney, stated that at the July 2, 2003 Commission Meeting, Club Madonna's attorney agreed to a covenant not to sue and requested that it be completed by the second reading.

Leroy Griffith spoke.

Jorge Gomez, Planning Director, advised that the same patronage restrictions, as other entertainment venues in the City, would be applied. An entertainment establishment with the sale of alcoholic beverages would have an age limit of 21 and over, unless there was a restaurant component. The State Statute allows for an exception which would allow for the age limit to be 18 and over.

Vice-Mayor Smith requested the Legal Department determine whether the City can restrict the age limit to be 21 and over even if there is a restaurant. **Legal Department to handle.**

Commissioner Steinberg requested the Legal Department research if the State Statutes, on age limitations, have been challenged. **Legal Department to handle.**

Commissioner Bower requested the Legal Department research the criteria needed to establish a cap on the number of adult establishments allowed, and determine what the number would be. **Legal Department to handle.**

Commissioner Gross requested that the Administration check the crime level in this area (Club Madonna) and compare it to the crime rate in other areas of the City. **Chief De Lucca to handle.**

11:33:06 a.m.

R5E An Ordinance Amending Miami Beach City Code Chapter 2, Article III "Agencies, Boards And Committees," Section 2-22(5) Thereof Establishing Term Limits Of Board And Committee Members, By Providing That Said Term Limits Should Not Include Time Served As A Result Of Having Filled A Vacancy; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (City Attorney's Office)

ACTION: Motion made by Commissioner Bower to refer this item to the Neighborhoods/Community Affairs Committee; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Vivian Guzman to place on the committee agenda. Robert Parcher to handle.

Jorge Gonzalez, City Manager, stated that about a year ago the idea was discussed to review all of the board and committees and it is still a good suggestion to review the structure of all the committees.

Commissioner Garcia suggested a lapse of time after the time limits that the person needs to wait before being appointed to another committee. This is necessary to give everybody an opportunity to be on a committee.

Commissioner Steinberg requested the Administration to come forward with recommendations for the usefulness of the committees, accomplishments of the committees, staff time, any recommendations, and sunset opportunities.

11:40:51 a.m.

R5F An Ordinance Amending The City's Art In Public Places Legislation, As Codified In Chapter 82, Article VII, Divisions 1 Through 4, Sections 82-501 Through 82-612, Of The Code Of The City Of Miami Beach, Florida; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading.**

(Tourism & Cultural Development)

ACTION: Motion made by Commissioner Bower to refer the item to the Neighborhood/Community Affairs Committee; Seconded by Commissioner Gross; Voice vote; 6-0; Absent Commissioner Cruz. Vivian Guzman to place on the committee agenda. Donna Shaw to handle.

Donna Shaw, Tourism and Cultural Arts Department Director, presented the item.

Commissioner Gross stated that he believes the trigger for renovation of a building is subject to the 1.5% or the \$500,000 is unclear. See item "g" on page 231 of the agenda. He stated that he it should be sent back to committee for review.

3:24:16 p.m.

R5G An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 3 Thereof Entitled "Lobbyists," Establishing Exemptions From Definition Of "Lobbyists," Amending Registration Fee Provisions, Expanding Contingency Fee Prohibition; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**

(City Attorney's Office)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and 2nd Public Hearing scheduled for February 4, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. R. Parcher to handle.

Amendment:

Commissioner Steinberg requested to delete "employees of a principal whose normal scope of employment does not include lobbying activities"

Robert Meyers, Executive Director, Miami-Dade Commission on Ethics, spoke.
David Kelsey spoke.

R7 - Resolutions**10:17:25 a.m.**

R7A A Resolution Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (RDA), Miami-Dade County, Florida, And The Children's Trust, Miami-Dade County, An Independent Special Taxing District, For The Purpose Of Establishing The Use Of Tax Increment Revenues To Be Derived From The Imposition Of A Not To Exceed One-Half (1/2) Mill Tax Levy By The Trust Against Real Property Located Within The South Pointe Redevelopment Area And The City Center/Historic Convention Village Redevelopment And Revitalization Area, Respectfully (The "Trust Revenues"). **Joint City Commission And Redevelopment Agency.**

(City Manager's Office)

ACTION: Heard in conjunction with RDA item 3A. **Resolution No. 2004-25457 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Cruz. Christina Cuervo to handle.

Jorge Gonzalez, City Manager, stated that there are several redevelopment agencies in Miami-Dade County and Miami Beach is the only City that proactively went out to secure the funds and to make sure that Miami Beach residents were the ones who would benefit the most.

Commissioner Bower wants to make sure that the proper organizations are notified. **Vivian Guzman to handle.**

Jorge Gonzalez, City Manager, suggested that when the Children's Trust goes through its selection of evaluation panels they include members of the City Commission and/or the community. **Vivian Guzman to notify Children's Trust.**

11:29:19 a.m.

R7B A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion Of West 29th Street Street-End, West Of Prairie Avenue, In Favor Of Massimo And Jiska Barraca, Owners Of The Adjacent Property Located At 2900 Prairie Avenue; Waiving By 5/7ths Vote, The Competitive Bidding Requirements Pursuant To Ordinance No. 92-2783, Finding Such Waiver To Be In The Best Interest Of The City; Further Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Transaction, Including A Quitclaim Deed, Subject To Final Review Of Same By The City Attorney's Office. **11:00 a.m. Public Hearing.**

(Public Works)

ACTION: Motion made by Commissioner Bower to open and continue the item to April 14, 2004 at 11:00 a.m.; seconded by Vice-Mayor Smith; Voice vote: 6-0; Absent: Commissioner Cruz. Lilia Cardillo to place on agenda. Fred Beckmann to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

7:27:24 p.m.

SUPPLEMENTAL MATERIALS – Resolution and Revised Attachment

R7C Approval Of The Miami Beach Convention Center For Events Involving Adult Materials.
A Resolution Approving The Miami Beach Convention Center As A Location For Conventions, Expositions Or Events Involving Adult Materials, Pursuant To The Provisions Of Section 847.0134, Florida Statutes. **5:35 p.m. Second Public Hearing.**

(Planning Department)

(First Public Hearing on December 10, 2003)

ACTION: Public Hearing held. **Resolution No. 2004-25458 adopted as amended; Booking Requirements for Adult Entertainment Oriented Events amended; and Operating Requirements for Adult Entertainment Oriented Events amended.** Motion made by Commissioner Bower seconded by Vice-Mayor Smith; Voice vote: 6-0; absent: Commissioner Cruz.. Jorge Gomez to handle.

Amendments:

Resolution: Add to Section 1: h. at the end of the sentence: The minimum age shall be 21 years of age if alcohol is sold at the event.

Booking Requirements for Adult Entertainment Oriented Events

Delete the last sentence: The City Commission shall review any request for booking of such events prior to issuance of a Lease Agreement.

Operating Requirements for Adult Entertainment Oriented Events

1. All patrons and personnel shall be properly attired. ~~The following is specifically prohibited from the following:~~ The display of less than completely and opaquely covered genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolas.

4. Lessee shall post signs prohibiting ~~unlawful inappropriate~~ conduct at the entrance doors of the leased exhibit space. The size, wording and placement of any and all signs to be displayed in the public lobby area are subject to the prior approval of the General Manager of the Convention Center.

Rebecca Dawn Birch spoke.

Heather Funk spoke.

David Phelps, President of the Gay and Lesbian Foundation, spoke.

City Clerk's note: See replacement documents for "Booking Requirements for Adult Entertainment Oriented Events" and "Operating Requirements for Adult Entertainment Oriented Events" which are incorrectly printed in the Commission Agenda.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Email from Gary Held, First Assistant City Attorney, dated January 13, 2004, RE Amendments.

7:41:07 p.m.

R7D A Resolution Approving The Creation Of Restricted Residential Parking Permit Zone 11/Lake Pancoast; And Expanding Existing Residential Parking Permit Zone Two/Flamingo Park To Include The 500 Block Of Espanola Way. **5:45 p.m. Public Hearing.**

(Parking Department)

(Deferred from November 25, 2003)

ACTION: Public Hearing held. **Resolution No. 2004-25459 adopted as amended.**

Espanola Way: Motion made by Commissioner Gross not to honor residential parking stickers during business hours (9:00 a.m. – 6:00 p.m.) and carve out the 1400 block of Drexel; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Saul Frances to handle.

Saul Frances, Parking Director, gave an overview of workshops held and explained the results and recommendations of these meetings.

Francine Liebman spoke.

Commissioner Steinberg addressed the issue of residential meters between Collins Avenue and Ocean Drive in the evenings and asked if the Parking Department performs inventory to see if there are spaces which are not being used by the residents. Saul Frances, Parking Director, stated that this could be looked at. **Saul Frances to handle.**

Scott Needleman suggested about taking Drexel completely out of the residential district and putting all of the 500 block of Espanola Way in the district.

Item referred to the Transportation and Parking Committee. Saul Frances to place on the agenda.

7:54:09 p.m.**Lake Pancoast**

Motion made by Commissioner Steinberg; to approve creating the district to allow 50% for 24/7 and 50% for residential except for weekdays from 7:00 a.m. to 6:00 p.m. He directed the Administration to monitor this situation for six months to see if amendments are needed; seconded by Commissioner Bower; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia. Saul Frances to handle.

Ray Brisling spoke.

Gary Knight spoke.

Barbara Smith spoke.

Commissioner Steinberg suggested creating the district to allow 50% for 24/7 and 50% for residential except for weekdays from 7:00 a.m. to 6:00 p.m. and further requested the Administration to monitor this situation for six months to see if any changes are needed. **Saul Frances to handle.**

Mayor Dermer asked the Administration to continue the negotiations with the Wolfsonian for the parking lot deal and requested that the schools be notified. **Saul Frances to handle.**

Jorge Gonzalez, City Manager, stated that an agreement should be forthcoming.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Commission Memorandum, pages 4 and 5 were inadvertently left out of the Commission Agenda

5:14:32 p.m.

R7E A Resolution Approving, Appropriating, And Establishing A Work Order, In The Amount Of \$2,439,250 From Parking Revenue Bond Fund No. 481, For The Purchase And Installation Of 250 Multi-Space Parking Pay Stations.

(Parking Department)

ACTION: Resolution No. 2004-25460 adopted as amended. Patricia Walker to appropriate the funds. Motion made by Commissioner Steinberg; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Mayor Dermer. **Saul Frances to handle.**

Amendment:

5th Whereas clause: "the City issued an RFP for multi-space pay stations on May 21, 2003; upon review the respondents' proposals were deemed non responsive for failures to meet one or more of the RFP requirements; and"

Sunil Jotwani spoke.

4:45:54 p.m.

R7F A Resolution Approving The Second Of Three One (1) Year Renewal Terms Of The Towing Permits With Beach Towing Services, Inc. And Tremont Towing Services, Inc., Respectively; Both Terms Commencing On March 1, 2004, And Expiring On February 28, 2005, With Options To Renew For One (1) Additional One (1) Year Term, At The Sole Discretion Of The City; And Further Approve The Attached Thirteenth (13th) Amendment To The Administrative Rules And Regulations For The Police Department And Parking Department Towing Permits; Said Amendment Providing For An Increase To The Maximum Allowable Towing Rates; Customer Service Training; Information Items; And Complaints/Sanctions.

(Parking Department)

ACTION: Resolution No. 2004-25461 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Bower; Voice vote: 7-0. Saul Frances to handle.

Commissioner Gross questioned if it would help bring the cost down by storing the cars across the bay. He requested an analysis. **Saul Frances to handle.**

Jorge Gonzalez, City Manager, stated that the Administration will look at this option but he does not think there will be a big decrease because of the cost of transporting the cars across the bay.

Howard Gross spoke.

Harold Rosen spoke.

City Clerk's Note: This item contains the City of Miami Beach Police Department and Parking Department Towing Permit Amendment No. 13

Handout or Reference Materials

1. LTC 006-2004, dated January 13, 2004, RE: Miami-Dade County Maximum Allowable Towing Rates

5:22:44 p.m.

R7G A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Settlement Agreement Between La Gorce Country Club, Inc., And The City Of Miami Beach, And Authorizing The City Manager And City Attorney To Take Such Actions As May Be Necessary To Carry Out The Intent Hereof.

(City Attorney's Office)
(Deferred from December 10, 2003)

ACTION: Resolution No. 2004-25462 adopted. Motion made by Commissioner Garcia; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Mayor Dermer. Legal Department to handle.

Handout or Reference Materials

1. Copy of the Settlement Agreement between La Gorce Country Club, Inc., and the City of Miami Beach.

2:29:00 p.m.

R7H A Resolution Calling For A Special Election To Be Held On Tuesday, March 9, 2004, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Charter Section 1.03(B) Requiring Voter Approval Before Lease/Disposal Of City-Owned Park, Recreation, Waterfront Property Should Apply To Additional City Properties (West Of North Shore Open Space; Cultural Campus; And Parking Lots Near 72nd Street, Convention Center, Lincoln Road); Require Planning Board's 4/7 And City Commission's 5/7 Votes Before Lease/Disposal Of Other City-Owned Properties; Increase Exempt Lease Period From Five To Ten Years; Exempt Interest/Settlement Of Claims Existing As Of January 14, 2004.

(City Attorney's Office)

ACTION: Resolution No. 2004-25464 adopted as amended. Motion made by Commissioner Steinberg to adopt the ordinance with the grammatical correction; seconded by Commissioner Bower; Ballot vote: 7-0. R. Parcher to transmit to Miami-Dade County Elections.

Amendments:

1. Change all occurrence of "interest/settlement" to "Interests/Settlement."

Victor Diaz, Member of the Charter Review Board, stated that the Chairman could not make it and he spoke on his behalf. He complimented Jean Olin, Assistant City Attorney, on the massive job of drafting of the ordinance into 75 words.

Amendment (1):

Motion by Commissioner Steinberg offered and amendment to address Commissioner Garcia's concerns. To provide an additional exemption to allow the individual the option that if the Planning Board does not approve, still have the opportunity to bring it to the voters. Discussion continued and no second offered.

Amendment (2):

Motion made by Commissioner Gross to exclude the New World Symphony in the resolution; seconded by Commissioner Garcia; Ballot vote: 3-4; Opposed: Mayor Dermer, Vice-Mayor Smith and Commissioners Bower and Steinberg. Motion failed.

Mayor Dermer instructed the Administration to have the Charter Review Board participate in the Voter's Guide. **Ramiro Inguanzo to handle.**

Murray Dubbin stated that the City Attorney's Office has to approve the language of the Voter's Guide.

Dr. Morris Sunshine spoke.

Robert Meyers, Executive Director, Miami-Dade County Commission on Ethics and Public Trust, spoke.

Handout or Reference Materials

1. Two Ballots

10:22:09 a.m.

SUPPLEMENTAL MATERIALS – Additional Information

- R7I A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida Authorizing The Mayor And City Clerk To Execute A Guaranteed Maximum Price Contract With Ric-Man International, Inc., As Lowest And Best Bidder Pursuant To Invitation To Bid No. 22-02/03, For Design Build Services To Design And Construct The Washington Avenue Improvements – Phases 2, 4, And 5 (The Project), In An Amount Not To Exceed \$12,104,429; And Appropriating \$2,168,274.08 From City Center Redevelopment Area Tax Increment Funds; \$686,211.17 From South Pointe Redevelopment Area Tax Increment Funds; \$1,141,570.62 From Stormwater Revenue Bonds – Series 2000; \$37,246.29 From Water And Sewer Bond – Series 2000 Interest; And \$179,985.15 From Parking Enterprise Funds, To Be Used For The Construction Costs, Project Contingency Relating To Owner Requested Changes, And CIP Office Project Management Fees.
(Capital Improvement Projects)

ACTION: Heard in conjunction with Item RDA-3B. See action under RDA 3B. **Resolution No. 2004-25463 adopted.** Patricia Walker to appropriate the funds. Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Cruz. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

See item RDA 3B for the discussion.

Handout or Reference Materials

1. Document titled "Typical Work Zone" – Sequence Work Construction - which contains 8 color charts

5:07:46 p.m.

SUPPLEMENTAL MATERIALS - Resolutions

R7J Water And Waste Water Pump Stations Upgrades Project.

1. A Resolution Approving The Award Of A Contract To The Firm Of Widell, Inc., In The Amount Of \$17,352,615, For Completion Of The Water And Waste Water Pump Station Upgrades Project (Bid No. 99-97/98), Pursuant To The Action(s) Delegated To The City Manager And/Or His Designee Pursuant To Resolution No. 2002-24924; And Further Ratifying Resolution No. 2002-24924 And Herein Re-Affirming The Actions Taken By The City Manager And/Or His Designee. Pursuant Thereto, As Properly Within The City Manager's Authority, As Delegated To Him By The Mayor And City Commission Pursuant To Said Resolution, Including, But Not Limited To Subsequent Actions Taken By The City Manager, On Behalf Of The City, Regarding The City's Contract With FEI, Including But Not Limited To Any And All Actions Related To FEI's Default Under The Contract; Invoking The Performance Bond Under The Contract And Any And All Related Discussions With The Surety, United States Fidelity And Guaranty Company For Purposes Of Enforcement Of The Terms And Conditions Of The Bond; Selection Of The Replacement Contractor, Widell, Inc.; And Any Other Similar Or Related Actions.

(Capital Improvement Projects)

ACTION: Item heard in conjunction with RDA item 3C. Resolution No. 2004-25465 adopted as amended. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Cruz. Tim Hemstreet to handle.

Amendment read into the record:

"Whereas the City is provided due notice to the surety USF & G of all actions taken to complete the project concluding, but not limited to, given surety ample opportunity to hire a replacement contractor to complete the project, or to allow surety to complete the project itself and surety has failed or refused to do so."

2. A Resolution Approving An Amendment To The Agreement With Camp, Dresser And McKee (CDM) To Provide Engineering Services For Upgrading Water And Sewer Pumping Stations; Said Amendment Providing For Construction Administration And Field Oversight Services For The Water And Waste Water Pump Stations Upgrades Project In An Amount Not To Exceed \$500,000.

(Capital Improvement Projects)

ACTION: Resolution No. 2004-25466 adopted. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Cruz. Tim Hemstreet to handle.

8:46:18 p.m.

R7K A Resolution Relating To The Annual Evaluation Of The City Manager; Receiving The City Manager's Report And Adjusting His Employment Contract Accordingly.
(City Manager's Office)

(Memorandum & Resolution to be Submitted in Supplemental)

ACTION: Resolution No. 2004-25467 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Smith; Voice vote: 7-0. Mayra Diaz Buttacavoli to handle.

Commissioner Gross stated that the City Manager is doing a good job and he is running a professional organization. As compared to previous Administrations, he is getting better results dealing with bureaucracy. The Capital Improvement Projects in the neighborhoods are probably one of the most important tasks going on and they are moving forward. There is a good community process in place and this will be positive for the neighborhoods and the resident's quality of life. The City Manager does a good job getting out into the neighborhoods by attending a lot of community forums. In general, he is pleased with the work he has performed. The City Manager has made improvements in keeping the City Commission informed, but it is possible to do more via LTC's and perhaps streamlining paperwork. When the Commission has knowledge, it allows the Commissioners to respond to residents in an effective manner. He encouraged him to keep working on that. He suggested investing in computer technology to work in an integrated way and ultimately reduce the size of government and save taxpayer's money.

Commissioner Garcia stated that Jorge Gonzalez is an earnest, dedicated and very professional young man. He is the first City Manager since former City Manager Rob Parkins that lives and participates in the community. Commissioner Garcia added that for the last two years the City Manager has used the powers given to him by the City Commission. In regards to his concerns, he stated that the roads are in need of repair and the streets need more cleaning. He has received a lot of complaints of prostitution in South Beach, and that should be addressed, because that is a quality of life issue. As far as Code Enforcement, the main complaint is the dysfunctional effort that Code Enforcement puts forth; and he suggested cross-training the enforcement officers. He thanked the City Manager for accepting his suggestions of hiring budget personnel and for the creation of the Answer Center. Jorge is a great guy, he has a lot of potential and has been very smart in using the powers the City Commission has given him, but it is up to the Commission to take some of these powers back. He encouraged him to continue his good work.

Vice-Mayor Smith stated that there is always room for improvement and he shares some of the disappointments that his fellow Commissioners have outlined, particularly some of the projects that have not gone as well as expected. In sharing his experiences with other administrators throughout South Florida, the City Manager has done an outstanding job with every objective measure, whether it is maintaining fiscal discipline, increasing the bonds of the City and increasing property value due to the measures put in place, such as public safety, and it is for that reason that the Police Department was accredited. The Fire Department is the best trained department in South Florida in terms of response time, confidence and talent, and the Beach Patrol is outstanding. The City Manager has surrounded himself with excellent administrators, professionals and very talented individuals. The CIP Off has been complimented time and time again. The Miami Beach Golf Course is a jewel that we have in the City, the North Beach Youth Center, about to be finished, the North Shore Park, the Flamingo Park Pool, Regional Library and many other projects that are wonderful things happening in the City, the neighborhoods that are being renovated, and that would not be happening if we did not have the excellent staff and administrators we have in the City right now. Jorge has successfully negotiated excellent deals with the County, the School Board, the Royal Palm, and others. The Portofino litigation is moving forward to a conclusion that is hopefully to the best interest of the residents and the City. Jorge is very good at making suggestions and recommendations that the City Commission can accept. He would like to see more communication with the City Commissioners and to see some of the problem projects, such as the Normandy Pool, Fire Station No. 2, and Fire Station

No. 4 come to fruition. He is delighted to work with the City Manager and looks forward to working with him for many years to come.

Commissioner Cruz stated that the City Manager has a very tough job in dealing with 1800 employees, so many different departments and constituents, along with the City Commissioners. The City Manager has to balance the Commission needs with the financial resources available. Commissioner Cruz indicated that communication is important and needs to be constant, and added that the City Manager understands the Commissioner's frustrations. From the time the City Manager came aboard, he requested streamlining City Hall and making the bureaucracy as manageable as possible, thereby creating a more user friendly area, and the City Manager has made progress in that respect. As Commissioners, although there is a City Charter, there may be times when there is a need to go directly to a department and expedite certain things, and by breaking down the bureaucracy better, it would allow the Commissioners the freedom to go to the department heads or staff without feeling uneasy because they may be overstepping the City Manager's bound. In regards to the Unions negotiations, he asked that the City Manager be responsive. He added that the City Manager is doing his job extremely well.

Commissioner Bower echoes what Commissioner Smith said. She explained that she has dealt with many other City Managers as an activist, and he is doing a good job. She appreciates the fact that the City Manager listens and takes care of her needs, no matter how insignificant they may seem to other people. She stated that in the City there are a number of boards that could function better, and suggested that the Commission have a better understanding of the City Liaisons and their interaction with the participating members and how to use the members and make them feel that they have accomplished their job. The City Manager has streamlined a lot of things in the City and he is one of the best administrators that she has come across and hopes that he stays for a long time, because he does good things for the residents and ultimately for the City.

Mayor Dermer agrees with Commissioner Steinberg's last comments and stated that on the issue of the tracks, there was a disagreement and he believes the City Manager formed an advocacy pushed hard through the City Manager's Office, and that is not the place for that. As to the daily managing of the City, in numerous occasions, private and publicly, he has informed the City Manager that he has done an outstanding job. In reviewing the history of Miami Beach, with a few exceptions, there has been a revolving door for City Managers, and Mr. Gonzalez is the third longest serving City Manager; this is a testament to Jorge and the achievements reached. This is a very challenging City, and it is to the City Manager's credit the way he has been able to handle that from a public administration point of view. He looks forward continuing working with the City Manager.

Commissioner Steinberg stated that during agenda briefing, he talked with Jorge regarding union negotiations. He stated to Jorge that it would be appropriate for the Administration to adopt the same policy and forgo merit and other increases. Jorge immediately stated "no problem." Jorge stated that he is very happy, he has a very good agreement with the City, and he enjoys working for Miami Beach and is willing to forego the merit and to accept the 3%. He commended Jorge for his actions.

Jorge Gonzalez, City Manager, stated that all of the comments are appropriate and added that it is a pleasure working for the City of Miami Beach. He explained that all the people involved at all levels of the organization help make this not only a team, but a family, and he thinks that this was something which perhaps did not exist in the organization, and at the present you'll find very motivated and competent individuals in any area and at any level of the City and this reflects the fact that this is a nice place to work. As I have said before, this is the best public administration job anybody can have and I am perfectly happy with what we are doing and look forward to a long successful career.

The cost of living adjustment of 3%, 2% is to be applied to the housing allowance, and 1% to the base salary. The deferred compensation that is usually awarded at the end of the year, he suggested that it happens in 26 equal installments, one per pay period, so he gets the benefit of dollar cost averaging

as part of investment in the growth of the stock market. As in the past, he has requested to add one more year to the contract to make it a three year contract, add one additional day of vacation time for every year of service, and finally forego any merit or performance bonus presumably awarded as part of the performance evaluation; retroactive to August, 2003.

Handout or Reference Materials:

1. Letter from Mayor Dermer to Member of the City Commission dated January 14, 2004, RE: City Manager's Annual Performance Evaluation
2. Interoffice Memorandum from Jorge Gonzalez, City Manager, to Mayor David Dermer, dated November 24, 2003, RE: Performance Evaluation
3. LTC 89-2003 dated April 7, 2003, RE: 2002-2003 Citywide Priorities and Work Plan

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.
(City Clerk's Office)

ACTION:

Barrier Free Environment Committee:

Janet Grant	Term expires 12/31/05	Appointed by Commissioner Cruz TL 12/11
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Beach Preservation Board:

Luiz Rodrigues	Term expires 12/31/05	Appointed by Commissioner Gross TL 12/09
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Beautification Committee:

Norma Weinstein	Term expires 12/31/05	Appointed by Commissioner Gross TL 12/09
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Budget Advisory Committee:

Jonathan Fryd	Term expires 12/31/05	Appointed by Commissioner Gross TL 12/08
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Committee for Quality Education in MB:

Beverly Heller	Term expires 12/31/05	Appointed by Commissioner Steinberg TL 12/10
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Committee on the Homeless:

Kenneth Carsto	Term expires 12/31/05	Appointed by Mayor Dermer TL 12/10
Murray Kirschner	Term expires 12/31/05	Appointed by Mayor Dermer TL 12/07

Community Development Advisory Committee:

Michael Francis	Term expires 12/31/05	Appointed by Commissioner Steinberg TL 12/10
Solomon Genet	Term expires 12/31/05	Appointed by Commissioner Steinberg TL 12/09

Community Relations Board:

Robin Lea	Term expires 12/31/05	Appointed by Commissioner Steinberg TL 12/09
Gilbert Squires	Term expires 12/31/05	Appointed by Mayor Dermer TL 12/10

Convention Center Advisory Board:

Joe Fontana	Term expires 12/31/05	Appointed by Commissioner Bower TL 12/05
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Convention Center Capital Projects Oversight Committee:

David Berger	Term expires 12/31/05	Appointed by Commissioner Gross TL 12/09
J. Rodriguez-Chomat	Term expires 12/31/05	Appointed by Commissioner Steinberg TL 12/09

Debarment Committee:

Mel Schlessor	Term expires 12/31/04	Appointed by Commissioner Gross TL 12//11
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Fine Arts Board:

Dana Eber	Term expires 12/31/05	Appointed by Commissioner Steinberg TL 12/08
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Golf Course Advisory Board:

Daniel Spring	Term expires 12/31/05	Appointed by Commissioner Gross TL 12/05
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Hispanic Affairs Committee:

Jeannette Egozi	Term expires 12/31/05	Appointed by Commissioner Steinberg TL 12/09
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Loan Review Committee:

Jay Parker	Term expires 12/31/04	Appointed by Commissioner Steinberg TL 12/11
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Miami Beach Commission on the Status of Women:

Dale Gratz	Term expires 12/31/05	Appointed Commissioner Smith TL 12/05
Gail Harris	Term expires 12/31/05	Appointed by Commissioner Steinberg TL 12/06
Dona Zemo	Term expires 12/31/05	Appointed by Commissioner Gross TL 12/09

Parks and Recreational Facilities Board:

Patricia MacIsaac	Term expires 12/31/05	Appointed by Commissioner Gross TL 12/09
Rena Meltzer	Term expires 12/31/05	Appointed by Commissioner Steinberg TL 12//09

Production Industry Council:

Totty Salzarbitoria	Term expire 12/31/05	Appointed by Commissioner Smith TL 12/07
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Public Safety Advisory Committee:

Frank Schwartz	Term expires 12/31/05	Appointed by Commissioner Steinberg TL 12/10
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Safety Committee:

Carla DaTorre	Term expires 12/31/05	Appointed by Commissioner Steinberg TL 12/09
Daniel Vaismain	Term expires 12/31/05	Appointed by Commissioner Smith TL 12/09

Transportation and Parking Committee:

Alan Fishman	Term expires 12/31/05	Appointed by Commissioner Steinberg TL 12/10
Stephen Nostrand	Term expires 12/31/05	Appointed by Commissioner Gross TL 12/07

Youth Center Advisory Board:

Moni Cohen	Term expires 12/31/05	Appointed by Commissioner Smith TL 12/08
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4:33:16 p.m.

R9A1 Nominate Michael Gongora To The Board Of Adjustments.
(Requested By Commissioner Richard L. Steinberg)
(Deferred from December 10, 2003)

ACTION:

Motion made by Commissioner Steinberg to reappoint Jason Loeb to General Business category;

seconded by Commissioner Gross. Discussion continued and no vote taken on Mr. Loeb..

Motion made by Commissioner Garcia to appoint Larry Herrup in the CPA position; seconded by Commissioner Bower; voice vote: 7-0.

Larry Herrup Term expires 12/31/04 CPA Appointed by City Commission TL 12/09

Michael Gongora Term expires 12/31/04 Attorney Appointed by City Commission TL 12/09
Ballot vote: Michael Gongora 5; Luis Martinez 2.

Handout or Reference Materials

1. 1 set of ballots
2. Email from Morris Sunshine to Mayor Dermer and City Commissioners, dated January 14, 2004, RE: Appointments Board of Adjustment

3:40:22 p.m.

R9A2 Miami Beach Cultural Arts Council Vacancies.
(Tourism & Cultural Development)

ACTION: The following appointments were made:

Roymi Membiela	Term expires 12/31/06	Appointed by City Commission TL 12/31/09
Merle Weiss	Term expires 12/31/06	Appointed by City Commission TL 12/31/09
Ricky Arriola	Term expires 12/31/06	Appointed by City Commission TL 12/31/09
Lidia Resnick	Term expires 12/31/06	Appointed by City Commission TL 12/31/09
Liliam Lopez	Term expires 12/31/05	Appointed by City Commission TL 12/31/09
Alfredo Richards	Term expires 12/31/04	Appointed by City Commission TL 12/31/09

Handouts or Reference Materials

1. 2 sets of ballots
2. LTC 009-2004

8:10:39 p.m.

R9A3 Recommendation Of Appointments To The Personnel Board.
(Human Resources)

ACTION: Motion made by Commissioner Bower to appoint Diane L. Downs and Amy Perry to the Personnel Board, seconded by Commissioner Gross; Voice-vote: 5-0; Absent: Commissioner Cruz and Garcia. Mayra Diaz Buttacavoli and R. Parcher to handle.

Personnel Board:

Amy Perry	Term expires 12/31/04	Appointed by City Commission TL 12/31/09
Diane Downs	Term expires 12/31/04	Appointed by City Commission TL 12/31/09

11:25:16 a.m.

NEW ITEM

Recommendation of appointment to the Housing Authority.

Mayor Dermer recommended appointing Leonard Turkel to the Housing Authority for a term expiring 10/11/2007. Motion made by Commissioner Bower to confirm the nomination; seconded by Vice-Mayor Smith; Voice vote: 6-0; Absent: Commissioner Cruz. R. Parcher to notify the Housing

Authority.

3:54:45 p.m.

R9A4 Recommendation of appointments to the Planning Board.

Jerry Libbin	Term expires 12/05	General Business	Appointed by City Commission TL 12/07
Victor Diaz	Term expires 12/05	Attorney	Appointed by City Commission TL 12/06
Pablo Cejas Jr.	Term expires 12/05	Developer	Appointed by City Commission TL 12/08

Motion made by Commissioner Steinberg to appoint the above; seconded by Commissioner Cruz
Voice vote: 7-0.

Mayor Dermer stated that the City Clerk informed him that Joy Malakoff had serve on the original Historic Preservation Board for six years.

4:27:12 p.m.

Planning Board – Historic Preservation

Joy Malakoff	Term expires 12/05	HP	Appointed by City Commission 12/09
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Theodore Berman	Term expires 12/05	Gen. Business	Appointed by City Commission 12/09
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Handout or Reference Materials:

1. Ballots Ms. Malakoff and Mr. Berman

4:13:31 p.m.

R9A5 Recommendation for appointments to the Historic Preservation Board.

Victor Diaz, Member of the Planning Board spoke.

William Taylor	Term expires 12/05	Registered Architect	Appointed by City Commission TL 12/04
Allen Hall	Term expires 12/05	Professional/Attorney	Appointed by City Commission TL 12/09

Appointment deferred - Raul Garcia.

Handout or Reference Materials:

1. Ballots Mr. Taylor and Mr. Hall

8:11:40 p.m.

R9A6 Recommendation for appointments to the Design Review Board

Landscape Category: Motion made by Commissioner Gross to appoint Steve Lefton; seconded by Commissioner Steinberg; Voice-vote: 7-0.

Registered Architect Category: Motion made by Commissioner Bower to re-appoint Ralph Choeff; seconded by Commissioner Gross; Voice-Vote: 7-0.

Registered Architect Category: Motion made by Commissioner Bower to appoint Mike Steffens; seconded by Commissioner Gross; Voice-Vote: 7-0.

At-large Category: Motion made by Commissioner Bower to nominate Nellie Santamarina;

seconded by Commissioner Cruz; Discussion continued.

At-large Category: Motion made by Commissioner Garcia to appoint Louis Martinez; seconded by Commissioner Steinberg; Voice-vote 7-0.

At-large Category: Motion made by Commissioner Steinberg to appoint Gary Knight; seconded by Commissioner Smith; Voice-vote: 7-0.

Design Review Board:

Ralph Choeff	Term expires	12/05	Reg. Arch.	Appointed by City Commission TL 12/07
Mike Steffens	Term expires	12/05	Reg. Arch.	Appointed by City Commission TL 12/09
Steve Lefton	Term expires	12/04	Land. Arch.	Appointed by City Commission TL 12/09

At large positions:

Gary Knight	Term expires	12/04	At-large	Appointed by City Commission TL 12/09
Luis Martinez	Term expires	12/05	At-large	Appointed by City Commission TL 12/09

2:21:55 p.m.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.).

ACTION:

Jo Asmundsson stated that she remodeled her home and when a permit is obtained a contractor is given a password to call for inspections and only he can use it. If there is any problem between the owner and the contractor the process of calling for inspections by using a password leaves the homeowner at the mercy of the contractor because the owner cannot get an inspection.

Jorge Gonzalez, City Manager, stated that the permit was obtained by the contractor and is a protection for all parties involved. If the homeowner changes contractor the permit must be transferred from the old contractor to the new contractor and at that time a new password is provided. He explained that the Building Department wants to make sure that when an owner changes contractors the permit is transferred.

Jo Asmundsson asked why she was charged \$150.00 as sanitation fees on a permit to replace windows and doors. She recognized the Building Department and explained that during this terrible tragedy of remodeling her home, had it not been for the Building Department, she could not have finished her project. They did a fantastic job and she wants to thank all the Inspectors in the Building Department.

Joe Fontana announced that 1) the Youth Center is moving along very well. There are some problems that are being taken care of. He stated that CIP is doing a great job keeping on top the contractors, and 2) He thanked the Nautilus Fitness Equipment Co. for sponsoring the "weight and fitness room." He is very happy to announce that Mr. Norman Braman from the Braman Family Foundation agreed to sponsor the "game room" and wanted to thank them publicly. He also thanked the Parks Department because they will be bringing a lot of equipment into the center. 3) He announced that Commissioner Bruno Barreiro appointed him as a member of the Citizens Transportation Advisory Committee, which advises the MPO on traffic and transpiration issues.

Vice-Mayor Smith announced that he has an appointment to the Citizens Transportation Advisory Committee and requested resumes from all citizens interested to serve. He stated that this is a very prestigious appointment to an important committee.

Joe Fontana stated that now that he is on this committee, he is available to meet with any of the Commissioners and receive their suggestions as to what he should be doing for the City of Miami

Beach.

Mayor Dermer thanked Joe Fontana for his hard work at the Youth Center and for the community.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: No speakers.

11:08:13 a.m.

R9C Discussion Regarding The Use Of Channel 20 To Broadcast Public Service Announcements.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held. Motion made by Commissioner Garcia to refer the item to the Neighborhood/Community Affairs Committee; seconded by Commissioner Bower; Voice vote: 5-0; Absent: Commissioners Cruz and Gross. Vivian Guzman to place on the agenda. R. Parcher to handle.

R9D Discussion Regarding Convention Development Tax.
(City Manager's Office)

ACTION: Item withdrawn.

R9E Discussion Regarding Vehicle Donation For The Sister City Program Of Ica Peru.
(Requested by Commissioner Simon Cruz)

ACTION: Item withdrawn.

Handout or Reference Materials:

1. Email from Guillermo Villar, Sister's City Program Representative of Ica-Peru, to Simon Cruz, dated January 13, 2004, RE: Donation of Vehicles for the Sister City of Ica – Peru

R9F Discussion Regarding Giving Consulates Stationed In Miami-Dade County Parking Permits.
(Requested By Commissioner Simon Cruz)

ACTION: Item deferred. Lilia Cardillo to check with Commissioner Cruz for placement on the February 4 Commission Agenda.

3:19:50 p.m.

R9G Discussion Regarding A Resolution Amending City Of Miami Beach Resolution No. 2003-25124 Creating The City Of Miami Beach Ad Hoc Charter Review And Revision Board So As To Reestablish Its Existence For A Period Of Six Months, With Board Terms Commencing On February 5, 2004 And Expiring On August 6, 2004 (Subject To Earlier Sunset By The City Commission).
(Requested by Mayor David Dermer)

ACTION: Resolution No. 2004-25468 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Robert Parcher to handle.

5:23:58 p.m.**ADDENDUM:**

R9H Discussion Regarding Waiver Of Conflict Of Interest By Boies, Schiller & Flexner LLP.
(City Attorney's Office)

ACTION: Motion made by Commissioner Steinberg to defer the waiver; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Mayor Dermer. Legal Department to handle.

5:30:16 p.m.**ADDENDUM:**

R9I Discussion Regarding The Issue Of Safety And Security In City Hall.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held. Item withdrawn.

Commissioner Garcia stated that City Hall has become an unsafe environment for the employees and visitors; there have been several thefts and asked Jorge Gonzalez, City Manager, what he plans to do about it.

Jorge Gonzalez, City Manager, asked the City Commission what level of security they would want implemented and at what cost, to mitigate the vandalisms. He explained that he has implemented several procedures enforcing security. He asked the Police Department to look at the building and give the short and long term changes to the building to make it more secure. He suggested waiting for the police report on this issue. The incident of the attempt to steal Commissioner Garcia's laptop computer was prevented by one of the security measures in place.

Commissioner Garcia would like the Administration to survey other cities in Miami-Dade County to see what kind of security measure they have in place. **Chief De Lucca to handle.**

Jorge Gonzalez, City Manager, stated that he is looking for guidance from this Commission. He also stated that when the security was implemented at the front door, there were many complaints.

Commissioner Garcia withdrew the item.

Commissioner Bower stated that the Administration should review the safety measure which is in place so when the police report comes back the measures can be compared. **Robert Middaugh to handle.**

R10 - City Attorney Reports**R10A Notice Of Closed Executive Session.**

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On January 14, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Cases:

La Gorce Country Club, Inc., Vs. City Of Miami Beach, Florida. Eleventh Judicial Circuit, General Jurisdiction Division, Case No. 03-12377 CA 30.

City Of Miami Beach Vs. La Gorce Country Club, Inc., Case No 3D03-2442, Third District Court Of Appeal.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorney Debora J. Turner And First Assistant City Attorney Gary Held.

ACTION: Announced and held.

R10B Notice Of Closed Executive Session.

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On January 14, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Pending Litigation On The Following Cases:

West Side Partners, LTD., A Florida Limited Partnership; East Coastline Development, LTD., A Florida Limited Partnership; 404 Investments, LTD., A Florida Limited Partnership; Azure Coast Development, LTD., A Florida Limited Partnership; Beachwalk Development Corporation, A Florida Corporation; Portofino Real Estate Fund, LTD., A Florida Limited Partnership; St. Tropez Real Estate Fund, LTD., A Florida Limited Partnership; And Sun & Fun, Inc., A Florida Corporation, Vs. City Of Miami Beach, A Florida Municipal Corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-13274 CA-30.

East Coastline Development, LTD., A Florida Limited Partnership Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-26231 CA 32 (Removed To US Dist. Court, So. Dist. Of Fla. Case No. 01-4921 CIV-MORENO)

East Coastline Development, LTD., A Florida Limited Partnership, And Catherine F. Colonnese, A Registered Voter In The City Of Miami Beach, Florida, Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-25812 CA 30 (On Appeal In Third District Court Of Appeal Case No. 3DOI-3350)

East Coastline Development, Ltd Vs. City Of Miami Beach And The State Of Florida, Department Of Community Affairs. State Of Florida, Division Of Administrative Hearing Case No. 02-3283

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald M. Papy, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held, Special Counsels Richard Ovelmen And Dan Paul.

ACTION: Announced and held.

R10C Notice Of Closed Executive Session.

Prepared by the City Clerk's Office

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On January 14, 2004 in The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Cases:

Felix Equities, Inc. Vs City Of Miami Beach, United States Fidelity & Guaranty, A Foreign Corporation, And St. Paul Fire & Marine Insurance Co. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-16109 CA 22

In Re: Linc.Net, Inc., Et Al. United States Bankruptcy Court, Southern District Of Florida, Miami Division. Chapter 11, Case Nos. 02-16987-BKC-RAM Through 02-17003-BKC-RAM (Jointly Administered Under Case No. 02-16987-BKC-RAM)

Atlantic Civil, Inc., A Florida Corporation, Vs. Miami Beach Redevelopment Agency, Vs. National Fire Insurance Company Or Hartford And Kimley-Horn And Associates, Inc., Vs. Kimley-Horn And Insurance Company Inc., Vs. Hazen And Sawyer, P.C. Eleventh Judicial Circuit, General Jurisdiction, Case No. 01-23635 CA 09

City Of Miami Beach Vs. United States Fidelity & Guaranty Company. Miami-Dade County Circuit Court Case No. 03-19303 CA 03

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Assistant City Attorney Rhonda Hasan, And Special Counsel Steve Siegfried.

ACTION: Announced and held.

R10D Notice Of Closed Executive Session.

Pursuant To Section 768.28, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On January 14, 2004, To Discuss The Following Risk Management Case:

Claude Tunc And Martine Tunc, Individually, And As Personal Representative Of The Estate Of Stephanie Tunc, Deceased, And Sandrine Tunc Vs. City Of Miami Beach. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-21813 CA 20

The Closed Executive Session Will Be Held In The City Manager's Large Conference Room, Fourth Floor, City Hall.

ACTION: Announced and held.

R10E Notice Of Closed Executive Session

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On January 14, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, For Discussions Relative To Collective Bargaining.
(City Manager's Office)

ACTION: Announced and held.

Reports and Informational Items

- A City Attorney's Status Report.
(City Attorney's Office)

ACTION: Written report submitted.

- B Parking Status Report.
(Parking Department)

ACTION: Written report submitted.

- C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2..
(Capital Improvement Projects)

ACTION: Written report submitted.

- D Status Report On Fire Station No. 4 Project.
(Capital Improvement Projects)

ACTION: Written report submitted.

- E Status Report On The Scott Rakow Youth Center.
(Capital Improvement Projects)

ACTION: Written report submitted.

- F Non-City Entities Represented By City Commission:
1. Minutes From The Performing Arts Center Trust (PACT) Board Meeting Of November 11, 2003 And Agenda For The Upcoming Meeting On December 9, 2003.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Written report submitted.

2. Information Provided By PACT Regarding The Inspector General's Report.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Written report submitted.

3. Minutes From The Performing Arts Center Trust (PACT) Board Meeting Of December 9, 2003, The December 8, 2003 PACT Executive Committee Meeting And Agenda For The Upcoming Meeting On January 15, 2004.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Written report submitted.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
January 14, 2004**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL
2. OLD BUSINESS
 - A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of November 2003..

ACTION: Written report submitted.

3. NEW BUSINESS

10:17:25 a.m.

- A A Resolution Of The Chairman And The Members Of The Redevelopment Agency Of The City Of Miami Beach, Florida, Authorizing The Chairman And Secretary To Execute An Interlocal Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (RDA), Miami-Dade County, Florida, And The Children's Trust, Miami-Dade County, An Independent Special Taxing District, For The Purpose Of Establishing The Use Of Tax Increment Revenues To Be Derived From The Imposition Of A Not To Exceed One-Half (1/2) Mill Tax Levy By The Trust Against Real Property Located Within The South Pointe Redevelopment Area And The City Center/Historic Convention Village Redevelopment And Revitalization Area, Respectfully (The "Trust Revenues").

Joint City Commission And Redevelopment Agency.

ACTION: Head in conjunction with R7A. **Resolution No. 464-2004 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 5-0; Absent Mayor Dermer and Commissioner Cruz. Christina Cuervo to handle.

See action R7A.

10:22:09 a.m.

- B. A Resolution Of The Chairman And The Members Of The Miami Beach Redevelopment Agency Ratifying The Execution Of A Guaranteed Maximum Price Contract With RIC-Man International, Inc., As The Lowest And Best Bidder Pursuant To Invitation To Bid No. 22-02/03, For Design Build Services To Design And Construct The Washington Avenue Improvements – Phases 2, 4, And 5 (The Project), In An Amount Not To Exceed \$12,104,429; And Appropriating \$2,168,274.08 From City Center Redevelopment Area Tax Increment Funds And \$686,211.17 From South Pointe Redevelopment Area Tax Increment Funds, To Be Used For The Construction Costs, Project Contingency Relating To Owner Requested Changes, And CIP Office Project Management Fees.

ACTION: Heard in conjunction with Item R71. **Resolution No. 465-2004 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Cruz. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

Tim Hemstreet, CIP Director, summarized the progress of the project and the costs involved, and explained the challenges encountered for funding sources, which came from RDA and from reallocating funds from stormwater dollars from West Avenue.

Commissioner Bower asked if the West Avenue project would be delayed by reallocating funds from this project.

Jorge Gonzalez, City Manager, stated that the delay is the same; the difference administratively is identifying funds and issuing additional bonds, but the priority level remains the same.

Tim Hemstreet, CIP Director, explained that the West Avenue sequencing is to begin construction by 2006-2007.

Commissioner Gross asked for the status of the light fixtures selection.

Jorge Gonzalez, City Manager, stated that there are two variations; from the Colonial (acorn) lights, which look best in the residential neighborhoods, to the Poulsen lights which serve the commercial areas better, but there is a significant cost differential per unit.

Commissioner Gross stated that since the sidewalk is being replaced from 11th to 16th, he requested a commitment to use the new multi-station parking meters to reduce the need to drill holes.

Jorge Gonzalez, City Manager, informed the Commission that he will provide this information via an LTC. **Saul Frances and Tim Hemstreet to handle.**

Commissioner Gross requested Tim Hemstreet, CIP Director, to consult with Legal Department on the language for the Guaranteed Maximum Price so that it includes any unforeseen expenditures from the contractor. He also asked if coordination with future Bay Link and Lummus Park sewer lines will be included and studied during the engineering phase. **Tim Hemstreet to handle.**

Tim Hemstreet, CIP Director, explained that there are sanitary sewer lines that appear to be in conflict with the rails, for which the Bay Link project would have to relocate, and this is being looked at to see if it's viable.

Jorge Gonzalez, City Manager, stated that if there is a problem in preparation for Bay Link, funding or reimbursement would be sought from the MPO.

5:11:28 p.m.

SUPPLEMENTAL MATERIALS - Resolution

- C A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Ratifying The Award Of A Contract To The Firm Of Widell, Inc., In The Amount Of \$17,352,615, For Completion Of The Water And Waste Water Pump Station Upgrades Project (Bid No. 99-97/98), Pursuant To The Action(s) Delegated To The City Manager And/Or His Designee Pursuant To Resolution No. 2002-24924; And Appropriating Funds, In The Amount Of \$1,218,956.71, As Follows, To Fully Fund The Project Construction Cost; Additional Services For Construction Administration And Field Oversight Services To Camp, Dresser & McKee (CDM); Project Contingency; And Project Management Fees: \$1,173,063.00 From City Center Redevelopment Area Tax Increment Funds, And \$15,893.71 From South Pointe Redevelopment Area Tax Increment Funds, Respectively.

ACTION: Item heard in conjunction with item R7J. Resolution No. 466-2004 adopted as amended. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Mayor Dermer. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

Amendment read into the record:

"Whereas the City is provided due notice to the surety USF & G of all actions taken to complete the project concluding, but not limited to, given surety ample opportunity to hire a replacement contractor to complete the project, or to allow surety to complete the project itself and surety has failed or refused to do so."

11:01:40 a.m.

ADDENDUM:

- D A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Authorizing The Chairman And Secretary To Execute The First Amendment To Agreement Of Lease Between The Miami Beach Redevelopment Agency And RDP Royal Palm Hotel Limited Partnership ("RDP") Regarding Town Park Hotel Corporation, The Hotel Manager, As Equity Owner.

ACTION: Resolution No. 467-2004 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg Voice vote: 6-0; Absent: Commissioner Cruz. Christina Cuervo to handle.

Meeting adjourned at 9:17:33 p.m.